

IN RE: DEVELOPMENT PLAN HEARING AND \* BEFORE THE  
PETITION FOR VARIANCE - NW/S Woodlawn  
Drive, NE of Dogwood Road \* DEPUTY ZONING COMMISSIONER  
(1928 Woodlawn Drive)  
2nd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \* Case Nos. II-507 & 96-154-A  
Maximum Life Christian Church, Owner;  
McKechnie & Associates, Developer\*

\* \* \* \* \*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Deputy Zoning Commissioner for consideration of a development plan prepared by Bengtson, DeBell and Elkin, LTD. for the proposed development of the subject property, known as Evergreen Hills Estates, by Maximum Life Christian Church, Owner, and McKechnie & Associates, Developer. with 12 single family dwellings. In addition to development plan approval, the Owners/Developer filed a Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 400.1 to permit an accessory structure (garage) in the front yard of proposed Lot 6 in lieu of the required rear yard; from Sections 1B01.2.C.1.b and 301.1.A to permit a rear setback of 4 feet for Lot 8, 18 feet for Lots 7, 10, and 11, 21 feet for Lot 12, and 14 feet for Lot 13, all in lieu of the minimum required 22.5 feet for proposed decks, and from Section 424.7.A to permit a lot size of .83 acres in lieu of the required 1.0 acres for an existing group child care center; and from Section 1B01.2.C.1.b to permit a side street setback of 19 feet in lieu of the minimum required 25 feet for Lot 6, a rear setback of 17 feet in lieu of the minimum required 30 feet for Lot 8, and a rear setback of 26 feet in lieu of the required 30 feet for Lot 13. The subject property consists of 4.68 acres, zoned D.R. 5.5, and is improved with a two-story dwelling (farm house) and two detached garages

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By

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which are to remain on proposed Lot 6, and a Child Day Care Center with accessory parking area to remain on proposed Lot 1. The property is located in the vicinity of Dogwood Road and its intersection with the Baltimore Beltway (I-695) in Woodlawn. Given the size of the property, the density permitted for this site would allow development with 25.7 houses; however, the Developer proposes a subdivision of only 12 homes. The subject property and proposed improvements are more particularly described on the development plan/site plan submitted into evidence as Developer's Exhibit 1 and Petitioner's Exhibit 1, respectively.

Appearing at the public hearing required for this project were various members of the Maximum Life Christian Church, legal owner of the property, all of whom signed the Citizen Sign-In Sheet. Those members were represented by Judson Lipowitz, Esquire and Matthew Azrael, Esquire. Also appearing in support of this project were Mark McKechnie on behalf of McKechnie and Associates, Developer, and Geoff Ciniero with Bengston, DeBell & Elkin, Ltd., the engineering/architectural firm which prepared the development plan and site plan for this project. Numerous representatives of the various Baltimore County reviewing agencies also attended the hearing. One citizen appeared in opposition to the development plan and variance request, namely Judith Berger, a community activist.

As to the history of this project, the concept plan conference for this development was conducted on March 13, 1995. As required, a community input meeting was held on May 30, 1995 at the Maximum Life Christian Church on Security Boulevard. A second community input meeting was held on June 15, 1995 at the Woodlawn Senior High School. Subsequently, a development plan was submitted and a conference held thereon on November 1, 1995. Following the submission of that plan, development plan comments

were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on December 7, 1995.

As noted above, this matter came before me as a combined hearing for consideration of a development plan and a Petition for Variance. As to the development plan, at the preliminary stage of the public hearing, I am required to determine what, if any, agency comments or issues remain unresolved. The Developer's representatives stated that they were unaware of any unresolved issues or concerns which needed to be addressed. Furthermore, all representatives of the Baltimore County reviewing agencies noted that the development plan as submitted satisfies all regulations relative to their respective agencies. The only issue raised regarding the development plan and variance Petition were raised by Ms. Judith Berger, a community activist who appeared in opposition to the plan.

Ms. Berger testified that there exists a flooding problem due to storm water runoff along this area of Woodlawn Drive. Furthermore, the property slopes a great deal towards Woodlawn Drive and Ms. Berger is concerned that this development will cause additional flooding in the area. It is important to note that no other resident of the surrounding community appeared or offered any opposition to this development plan. This is significant in that none of the homeowners who reside adjacent to this development appeared in opposition. It would seem obvious that if there were water runoff problems in this area, some of these residents would have appeared in opposition to the proposed development. Testimony further revealed that Ms. Berger does not live in the immediate vicinity of this development but does reside nearby. Ms. Berger objects to the proposed development and opined that there is already too much development

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in Baltimore County. She went on to testify that the drinking water quantity in this area is not sufficient to support the proposed development. In addition, the water quality is such that the water is not safe to drink. Ms. Berger believes that fire hydrants should be tested to ensure proper water flow in case of fire.

While Ms. Berger was able to raise all of these objections to the plan, she was unable to offer substantive testimony or evidence to support her position. She was unable to offer any water flow tests from the fire hydrant that is located immediately in front of the proposed subdivision, nor was she able to offer any water tests that were done to the drinking water to show that the water is unsafe to drink. However, inasmuch as she raised these issues for open discussion, the Developer offered some testimony to rebut same.

Mr. Harold Reed, a representative of the Office of Community Conservation, and a resident of the area, testified that the water flow at this area of Woodlawn Drive is perfectly sufficient to handle the amount of development proposed for this site. Ms. Berger submitted a letter showing a water deficiency, not in this area, but in another area of Baltimore County. Mr. Reed testified for the purpose of clarification, that the letter offered by Ms. Berger had nothing to do with this property but applied to the Rockdale area of Baltimore County. Mr. Reed testified that he personally supports this development as does the Office of Community Conservation. Furthermore, Mr. Reed testified that storm water management has been provided in this subdivision by virtue of the intakes proposed on Geneva Court, the access road to this development, which would feed into the public storm water system.

Ms. Delores Johnson, a 25-year resident of the community, testified that the water pressure in her community is sufficient and acceptable to her and that the proposed development will pose no problems.

Reverend Carroll Johnson, who is associated with the Maximum Life Christian Church, testified that he resides on the existing farm house dwelling located on the subject property on proposed Lot 6. Rev. Johnson testified that he has lived in this house for the past 7 years. He testified that his water pressure is fine and poses no problems to the enjoyment of his property. Furthermore, he testified that his drinking water has, in fact, been tested on several occasions and was found to be very drinkable and he has no problems with the quality of same. Rev. Johnson stated that he is very much looking forward to the development of this property and believes it will be an asset to the surrounding community.

After hearing all of the issues raised concerning the development plan, I find that none of the issues raised by Ms. Berger warrant a denial of this plan. Ms. Berger was unable to offer any substantive testimony or evidence to support the allegations she made concerning this development plan. Furthermore, the issues she raised were sufficiently addressed by the testimony offered by the witnesses previously identified. Therefore, the development plan submitted and accepted into evidence as Developer's Exhibit 1 shall be approved.

Turning next to the Petition for Variance, the Petitioner has requested a variance to permit an existing garage to be located in the front yard of the existing residence on proposed Lot 6. As noted above, Lot 6 contains the existing farm house in which Rev. Johnson resides, and two detached garages. The farm house is some 100 years old and the accessory structures have existed on the property for many years. By virtue of

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the subdivision of this property, the larger of the two garages is located in the front yard, and thus, a variance is necessary. Inasmuch as the variance is for a structure which has existed on the property for many years and for such other reasons offered at the hearing, the variance should be granted to permit the garage to remain as it presently exists. Several of the lots in the proposed subdivision required variances due to the sloped topography of the land as well as the irregular shape of this parcel. Due to the topography of the land and the location of existing improvements thereon, several of the houses and proposed decks are closer to the property line than that which is permitted by the B.C.Z.R. Furthermore, the existing day care center, which is operated by the Maximum Life Christian Church, is located on proposed Lot 1. Inasmuch as proposed Lot 1 consists of .83 acres and not 1.0 acres as required for such use, a variance is necessary. Testimony revealed that this day care center has operated on the site for many years and has been extremely successful. The Center currently provides day care for 53 children from the surrounding community. Given this number of children, the zoning regulations require that the day care center be located on a lot of no less than 50,060 sq.ft. In its post-development state, the day care center will be located on a lot containing .83 acres. However, none of the area that has traditionally been utilized by the day care center will be affected by the proposed development.

Ms. Judith Berger also offered testimony in opposition to the requested variances. Ms. Berger believes that the Developer is providing too much density for this parcel and that the houses are being situated on the property too close to one another and without sufficient rear yard for

the people who buy these homes to enjoy their property. She is opposed to the granting of any variances for this subdivision.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

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227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variances requested should be granted. I further find that the granting of the variances are in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 18th day of December, 1995

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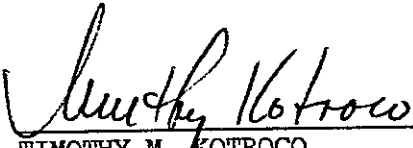
By

that the development plan for Evergreen Hills Estates, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 400.1 to permit an accessory structure (garage) in the front yard of proposed Lot 6 in lieu of the required rear yard; from Sections 1B01.2.C.1.b and 301.1.A to permit a rear setback of 4 feet for Lot 8, 18 feet for Lots 7, 10, and 11, 21 feet for Lot 12, and 14 feet for Lot 13, all in lieu of the minimum required 22.5 feet for proposed decks, and from Section 424.7.A to permit a lot size of .83 acres in lieu of the required 1.0 acres for an existing group child care center; and from Section 1B01.2.C.1.b to permit a side street setback of 19 feet in lieu of the minimum required 25 feet for Lot 6, a rear setback of 17 feet in lieu of the minimum required 30 feet for Lot 8, and a rear setback of 26 feet in lieu of the required 30 feet for Lot 13, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-154-A

1928 WOODLAWN DRIVE

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

see attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

UNDUE HARDSHIP - SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

Type or Print Name

Signature

Address

City

State

Zip Code

Attorney for Petitioner

Type or Print Name

Signature

Address

Phone No

City

State

Zip Code

I, the undersigned, declare and affirm, under the penalties of perjury, that I am a legal owner of the property which is the subject of this Petition.

Legal Owner: MAXIMUM LIFE CHRISTIAN CHURCH

CARROLL R. JOHNSON, JR.

Carroll R. Johnson Jr.

Type or Print Name

Signature

1928 WOODLAWN DR (410) 298-1238

Baltimore MD 21207

Name Address and phone number of representative to be contacted

PHYLLIS TAYLOR - Executive Director  
6322 Security Blvd. (410) 281-1240

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

w/ HOH

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MHL

DATE 10/11/95

\* schedule w/ HOH

Printed with Soybean Ink on Recycled Paper

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96-154-A

Section 400.1 to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear.

Sections 1B01.2.C.1.b. and 301.1A. to permit a 4' rear setback for Lot 8, an 18' rear setback for Lots 7, 10, and 11, a 21' rear setback for Lot 12, and a 14' rear setback for Lot 13 all in lieu of 22.5'.

Section 424.7.A to permit a lot size of .83 acres in lieu of 1.0 acres for a group child care center

Section 1B01.2.C.1.b to permit a side street setback of 19' for Lot 6, a 17' rear setback for Lot 8, and a 26' rear setback for Lot 13 in lieu of 25', 30', and 30'; respectively.

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Advertise this page

VARIANCE REQUEST

96-154-A

Evergreen Hills Estates  
1928 Woodlawn Drive

2nd Council District

October 10, 1995

The applicant is requesting a variance from the requirements of the zoning ordinance which address; a) detached accessory in front yard in lieu of rear yard, b) the location of decks attached to single-family residential structures, c) the minimum area requirements for a special exception day care use, and d) the rear yard setbacks for an existing and proposed single-family dwelling.

A) DETACHED ACCESSORY IN FRONT YARD IN LIEU OF REAR YARD

We are requesting a variance from Section 400.1 of the Baltimore County Zoning Ordinance to allow an existing detached garage to be located in the front yard of proposed Lot 6. The structure is now, and will continue to be, incidental to principle use of the property. Allowing the structure to be located in the front yard of Lot 6 will have no adverse impact in the residential nature of Lot 6, or any other adjacent residential lot. Useable front yard area will remain for the residents' use.

B) DECKS - VARIANCE FROM SEC. 301.1a PROJECTIONS INTO YARDS

Section 301.1A allows decks or one-story open porches to extend into any required yard. This is not to exceed 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard. The proposed decks on lots 6, 7, 8, 9, 10, 11 & 12 are intended to be incidental to the residential use of the property and to enhance the resident's enjoyment of the rear yard areas.

Through the use of proposed screening and the effective siting of the houses, adverse impacts, as a result of the proposed decks, have been minimized.

There will be no increase in density as a result of the variance being granted. The strict compliance with the required setbacks would result in practical difficult and unreasonable hardship to the owners of lots.

C) VARIANCE FOR REDUCED AREA FOR EXISTING DAY CARE CENTER  
SECTION 424.7

Section 424.7 requires that group child care centers provide at least one acre of minimum lot size for the first 40 children enrolled in the facility, and 500 square feet per each additional child. The development plan proposes the configuration of new residential lots, such that only .83 acre will be remaining for the day care use. Strict compliance with the regulations will result in undue hardship to the owners of the property. The unique size and shape of the tract, combined with the constraints of designing the new street, have resulted in less land area available for the day care use.

96-154-A

D) REAR SETBACK ON LOTS 6, 8 & 13

The structure on Lot 6 is an existing single-family residence and an accessory structure. The single-family dwelling will encroach into the minimum side setback of 20 feet. The amount of encroachment is 6 feet. Justification for this variance request can be demonstrated given that the structure is oriented to the east and was constructed such that the front of the house will not be facing the new street. In addition, the unique size, shape & topography of the overall parcel has led to constraints regarding the alignment and location of the proposed street. In total, the location of the existing house and future street represent the most appropriate design solution. Lots 8 & 13 do not conform to the 30' rear yard setback. Lot 8 has a minimum of 17' and a maximum 47' rear yard setback. Lot 13 has a minimum 26' and a maximum 65' rear yard setback. Lots 8 & 13 variances are requested due to the unusual shape of the site property which creates houses to be oriented so rear yards are not always in a straight line with the side building walls. Strict compliance with the required setbacks will result in an undue hardship to the owner.

ZONING DESCRIPTION FOR 1928 Woodlawn Drive

96-154-A

Beginning at a point on the North/West side of Woodlawn Avenue which is 70' wide at the distance of 470 feet North/East of the centerline of the nearest improved intersecting street Richardson Road which is 50 feet wide. As recorded in deed liber 3852, folio 528, and:

BEGINNING FOR THE SAME at the iron pipe on the southeast side of the road, thirty feet wide, from Dogwood Road to the parcel of ground herein described, said road being about five hundred feet northwest of Clarke Avenue, said iron pipe being at the end of the fourth line of the tract of land containing 8.05 acres of land more or less, described in the deed from said Elsie Mae Clarke et al, to Leslie A. Heitzman and wife dated March 23, 1948, and recorded amount the Land Records of Baltimore County in liber T.B.S. 1653 folio 46 etc.; and running thence North 56 degrees 55 minutes west 15.17 feet to an iron pipe at the end of the third line of the lot of ground conveyed by said Elsie Mae Clarke to Helen D. Cox et al, by deed dated Jan. 15, 1948 and recorded among said Land Records in liber J.W.B. 1634, folio 512; thence binding on the fourth line of the lot of ground described in the last mentioned deed, along the center of the right of way 30' wide there situate, North 41 degrees 39 minutes 30 seconds East and continuing the same course in all 136.34' to the end of the third line of the lot of ground conveyed by said Elsie Mae Clarke to Donald D. Clarke and wife by deed dated Jan. 9, 1948, and recorded amount said Land Records in liber J.W.B. 1630, folio 396; thence binding on the fourth and fifth line of the lot of ground described in the last mentioned deed and on the center line of the right of way there situate thirty feet wide North 26 degrees 32 minutes 30 seconds East 108.24' and North 41 degrees 39 minutes 30 seconds East 28.01' to the iron pipe at the end of the second line of the lot of ground firstly described in the deed from said Elsie Mae Clarke to John Charles Schilling and wife dated Jan. 9, 1948, and recorded among said Land Records in liber J.W.B. 1630, folio 398; thence binding reversely on part of said second line North 48 degrees 20 minutes 30 seconds West 161.23' to an iron pipe at the beginning of the lot of ground described in the deed from John Charles Schilling and wife to the Board of Education of Baltimore County dated Dec. 12, 1953, and recorded among said Land Records in liber G.L.B. 2404, folio 565; thence binding on the first line of the lot of ground described in the last mentioned deed North 41 degrees 46 minutes 30 seconds East and continuing the same course in all 193.16' to a cross cut on the concrete monument there situate at the end of the first line of the lot of ground described in the deed from said Elsie Mae Clarke to the Board of Education of Baltimore County dated Dec. 12, 1953, and recorded among said Land Records in liber G.L.B. 2404, folio 571; thence binding on the second line of the last mentioned lot of ground described in the last mentioned deed South 52 degrees 44 minutes East 309.93' to the end of the said second line which is also the end of the fifth line of the lot of ground described in the deed from said Elsie Mae Clarke to the Lion's Club of Woodlawn, Maryland, Inc., dated Dec. 4, 1947, and recorded among said Land Records in liber J.W.B. 1635, folio 20; thence binding on the sixth line of the lot of ground described in the last mentioned deed South 52 degrees 45 minutes East 430.17' to intersect the tract of land described in the deed from Mary S. Clarke to Donald Clarke dated May 28, 1925, and recorded among said Land Records in liber W.P.C. 612, folio 361; thence binding reversely on the first line of the tract of land described in the last mentioned deed South 44 degrees 07 minutes West 153.32' to the iron pipe at the beginning thereof, at the end of a road 23 feet 6 inches wide laid out along the third line of the parcel of land described in said deed from Elsie Mae Clarke et al to Leslie A. Heitzman and wife and at the end of the last mentioned third line and thence binding on said fourth line of said deed from Elsie Mae Clarke et al to Leslie A. Heitzman North 82 degrees 50 minutes West, 640.32' to the place of beginning.

Also known as 1928 Woodlawn Drive and located in the 2 Election District, 2 Councilmanic District.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 916-1534-14  
Towson, Maryland

District 2nd

Posted for: Variance

Date of Posting 11/15/95

Petitioner: Mexican Life Christian Church

Location of property: 1928 Wood Lane Drive

Location of Sign: Facing road way on property being zoned

Remarks:

Posted by

Signature

Number of Signs: 1

Date of return:

11/16/95

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

II-507

District 7nd

Posted for: Development Alex Henry Date of Posting 11/3/95

Petitioner: Maximilian Kito Christian Church

Location of property: 1928 Woodlawn Drive NW.

Location of Sign: Facing Roadway on property of Henry

Remarks: \_\_\_\_\_

Posted by M. K. Kito

Signature

Number of Signs: 1

Date of return: 11/10/95



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-154-A  
(Item 155)

1928 Woodlawn Drive  
NW/SE Woodlawn Drive, 800'  
N of cf Dogwood Road  
2nd Election District  
2nd Councilmanic

Legal Owner(s):  
Maximum Life Christian Church

Hearing: Thursday, December 7, 1995 at 9:00 a.m. in Rm. 106, County Office Building

Variance: to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear; to permit a 4 ft. rear setback for Lot 8, an 18 ft. rear setback for Lots 7, 10, and 11; a 21 ft. rear setback for Lot 12; and a 14 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for

Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible, for Special accommodations Please Call 887-3353.  
(2) For information concerning the file and/or Hearing, Please Call 887-3391.

11/18/95 Nov. 16 017320

**CERTIFICATE OF PUBLICATION**

TOWSON, MD.,

*Nov 21, 1995*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 16, 1995.

**THE JEFFERSONIAN,**

*A. H. Erickson*  
**LEGAL AD. - TOWSON**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

96-154-A

DATE 10/11/95 ACCOUNT 01-615

Item: 155  
By: MDK

AMOUNT \$ 720.00

1928 Washington  
D.C.

RECEIVED FROM: Maximum Life Christian Church -

070 Multi variance - \$ 650.00  
080 - 2 signs (35 ea) - \$ 70.00

FOR: Total - \$ 720.00

070/033P/080

#720.00

070/033P/080 17-11--5

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 155 Petitioner: Maximum Life Christian Church  
Location: 1928 Woodlawn Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MAXIMUM LIFE CHRISTIAN CHURCH; ATTN: CARROLL R. JOHNSON JR.  
ADDRESS: 1928 WOODLAWN DR. BALTIMORE, MD. 21207

PHONE NUMBER: 410-298-1238

TO: PUTUMENT PUBLISHING COMPANY

November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Maximum Life Christian Church

Carroll R. Johns, Jr.

1928 Woodlawn Drive

Baltimore, MD 21207

298-1238

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-154-A (Item 155)

1928 Woodlawn Drive

NW/S Woodlawn Drive, 800' N of c/l Dogwood Road

2nd Election District - 2nd Councilmanic

Legal Owner: Maximum Life Christian Church

Variance to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear; to permit a 4 ft. rear setback for Lot 8, an 18 ft. rear setback for Lots 7, 10, and 11, a 21 ft. rear setback for Lot 12, and a 14 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

HEARING: THURSDAY, DECEMBER 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

DEVELOPMENT PLAN HEARING

Project Name: Evergreen Hills Estates

Project Number: II-507

Location: NW/S Woodlawn Drive, NE of Dogwood Road

Developer: Maximum Life Community Development

Proposal: 12 single family dwellings.

and

CASE NUMBER: 96-154-A (Item 155)

1928 Woodlawn Drive

NW/S Woodlawn Drive, 800' N of c/l Dogwood Road

2nd Election District - 2nd Councilmanic

Legal Owner: Maximum Life Christian Church

Variance to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear; to permit a 4 ft. rear setback for Lot 8, an 18 ft. rear setback for Lots 7, 10, and 11, a 21 ft. rear setback for Lot 12, and a 14 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

HEARING: THURSDAY, DECEMBER 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: Maximum Life Christian Church  
Phyllis Taylor

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO PM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



**BALTIMORE COUNTY, MARYLAND**  
**Inter-Office Memorandum**

DATE: October 11, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman  
Planner II, PDM

SUBJECT: Item #155  
1928 Woodlawn Drive

The sections were left incomplete on the petition forms. I listed the section numbers and variance requests per my review. Those listed may not agree with the hardships. Since I completed that part of the petition form per the request of the applicant, I will not accept any responsibility for possible errors.

Any questions, let me know

MJK:scj

## PETITION PROBLEMS

### **#152 --- MJK**

1. Folder says zoning is M.L.-A.S. & B.R.-A.S.; petition wording says B.R.- C.S.-1 & M.L.-I.M. — Which is correct??
2. No telephone numbers for legal owners.

### **#155 --- MJK**

1. Need title of person signing for legal owner, as well as authorization for this person to sign.

### **#158 --- MJK**

1. No telephone number for legal owner.
2. See planner's memo to hearing officer (no plats, plan is illegible).

### **#159 --- MJK**

1. No telephone number for legal owner.

RE: PETITION FOR VARIANCE	*	BEFORE THE
1928 Woodlawn Drive, NW/S Woodlawn Drive,		
800' N of c/l Dogwood Road	*	ZONING COMMISSIONER
2nd Election District, 2nd Councilmanic		
	*	OF BALTIMORE COUNTY
Maximum Life Christian Church		
Petitioners	*	CASE NO. 96-154-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Phyllis Taylor, Executive Director, 6322 Security Boulevard, Baltimore, MD 21207, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

IN RE: DEVELOPMENT PLAN HEARING AND \* BEFORE THE  
PETITION FOR VARIANCE - NW/8 Woodlawn \* DEPUTY ZONING COMMISSIONER  
Drive, NE of Dogwood Road \* OF BALTIMORE COUNTY  
(1920 Woodlawn Drive)  
2nd Election District \* Case Nos. 11-507 & 96-154-A  
2nd Councilmanic District  
Maximum Life Christian Church, Owner;  
McKechnie & Associates, Developer\*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Deputy Zoning Commissioner for consideration of a development plan prepared by Bengston, DeBell and Elkin, LTD. for the proposed development of the subject property, known as Evergreen Hills Estates, by Maximum Life Christian Church, Owner, and McKechnie & Associates, Developer, with 12 single family dwellings. In addition to development plan approval, the Owners/Developer filed a Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 400.1 to permit an accessory structure (garage) in the front yard of proposed Lot 6 in lieu of the required rear yard; from Sections 1801.2.C.1.b and 301.1.A to permit a rear setback of 4 feet for Lot 8, 18 feet for Lots 7, 10, and 11, 21 feet for Lot 12, and 14 feet for Lot 13, all in lieu of the minimum required 22.5 feet for proposed decks, and from Section 424.7.A to permit a lot size of .83 acres in lieu of the required 1.0 acres for an existing group child care center; and from Section 1801.2.C.1.b to permit a side street setback of 19 feet in lieu of the minimum required 25 feet for Lot 6, a rear setback of 17 feet in lieu of the minimum required 30 feet for Lot 8, and a rear setback of 26 feet in lieu of the required 30 feet for Lot 13. The subject property consists of 4.68 acres, zoned D.R. 5.5, and is improved with a two-story dwelling (farm house) and two detached garages

which are to remain on proposed Lot 6, and a Child Day Care Center with accessory parking area to remain on proposed Lot 1. The property is located in the vicinity of Dogwood Road and its intersection with the Baltimore Beltway (I-695) in Woodlawn. Given the size of the property, the density permitted for this site would allow development with 25.7 houses; however, the Developer proposes a subdivision of only 12 homes. The subject property and proposed improvements are more particularly described on the development plan/site plan submitted into evidence as Developer's Exhibit 1 and Petitioner's Exhibit 1, respectively.

Appearing at the public hearing required for this project were various members of the Maximum Life Christian Church, legal owner of the property, all of whom signed the Citizen Sign-In Sheet. Those members were represented by Judson Lipowitz, Esquire and Matthew Azrael, Esquire. Also appearing in support of this project were Mark McKechnie on behalf of McKechnie and Associates, Developer, and Geoff Ciniero with Bengston, DeBell & Elkin, Ltd., the engineering/architectural firm which prepared the development plan and site plan for this project. Numerous representatives of the various Baltimore County reviewing agencies also attended the hearing. One citizen appeared in opposition to the development plan and variance request, namely Judith Berger, a community activist.

As to the history of this project, the concept plan conference for this development was conducted on March 13, 1995. As required, a community input meeting was held on May 30, 1995 at the Maximum Life Christian Church on Security Boulevard. A second community input meeting was held on June 15, 1995 at the Woodlawn Senior High School. Subsequently, a development plan was submitted and a conference held thereon on November 1, 1995. Following the submission of that plan, development plan comments

- 2 -

were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on December 7, 1995.

As noted above, this matter came before me as a combined hearing for consideration of a development plan and a Petition for Variance. As to the development plan, at the preliminary stage of the public hearing, I am required to determine what, if any, agency comments or issues remain unresolved. The Developer's representatives stated that they were unaware of any unresolved issues or concerns which needed to be addressed. Furthermore, all representatives of the Baltimore County reviewing agencies noted that the development plan as submitted satisfies all regulations relative to their respective agencies. The only issue raised regarding the development plan and variance Petition were raised by Ms. Judith Berger, a community activist who appeared in opposition to the plan.

Ms. Berger testified that there exists a flooding problem due to storm water runoff along this area of Woodlawn Drive. Furthermore, the property slopes a great deal towards Woodlawn Drive and Ms. Berger is concerned that this development will cause additional flooding in the area. It is important to note that no other resident of the surrounding community appeared or offered any opposition to this development plan. This is significant in that none of the homeowners who reside adjacent to this development appeared in opposition. It would seem obvious that if there were water runoff problems in this area, some of these residents would have appeared in opposition to the proposed development. Testimony further revealed that Ms. Berger does not live in the immediate vicinity of this development but does reside nearby. Ms. Berger objects to the proposed development and opined that there is already too much development

- 3 -

in Baltimore County. She went on to testify that the drinking water quantity in this area is not sufficient to support the proposed development. In addition, the water quality is such that the water is not safe to drink. Ms. Berger believes that fire hydrants should be tested to ensure proper water flow in case of fire.

While Ms. Berger was able to raise all of these objections to the plan, she was unable to offer substantive testimony or evidence to support her position. She was unable to offer any water flow tests from the fire hydrant that is located immediately in front of the proposed subdivision, nor was she able to offer any water tests that were done to the drinking water to show that the water is unsafe to drink. However, inasmuch as she raised these issues for open discussion, the Developer offered some testimony to rebut same.

Mr. Harold Reed, a representative of the Office of Community Conservation, and a resident of the area, testified that the water flow at this area of Woodlawn Drive is perfectly sufficient to handle the amount of development proposed for this site. Ms. Berger submitted a letter showing a water deficiency, not in this area, but in another area of Baltimore County. Mr. Reed testified for the purpose of clarification, that the letter offered by Ms. Berger had nothing to do with this property but applied to the Rockdale area of Baltimore County. Mr. Reed testified that he personally supports this development as does the Office of Community Conservation. Furthermore, Mr. Reed testified that storm water management has been provided in this subdivision by virtue of the intakes proposed on Geneva Court, the access road to this development, which would feed into the public storm water system.

- 4 -

Ms. Delores Johnson, a 25-year resident of the community, testified that the water pressure in her community is sufficient and acceptable to her and that the proposed development will pose no problems.

Reverend Carroll Johnson, who is associated with the Maximum Life Christian Church, testified that he resides on the existing farm house dwelling located on the subject property on proposed Lot 6. Rev. Johnson testified that he has lived in this house for the past 7 years. He testified that his water pressure is fine and poses no problems to the enjoyment of his property. Furthermore, he testified that his drinking water has, in fact, been tested on several occasions and was found to be very drinkable and he has no problems with the quality of same. Rev. Johnson stated that he is very much looking forward to the development of this property and believes it will be an asset to the surrounding community.

After hearing all of the issues raised concerning the development plan, I find that none of the issues raised by Ms. Berger warrant a denial of this plan. Ms. Berger was unable to offer any substantive testimony or evidence to support the allegations she made concerning this development plan. Furthermore, the issues she raised were sufficiently addressed by the testimony offered by the witnesses previously identified. Therefore, the development plan submitted and accepted into evidence as Developer's Exhibit 1 shall be approved.

Turning next to the Petition for Variance, the Petitioner has requested a variance to permit an existing garage to be located in the front yard of the existing residence on proposed Lot 6. As noted above, Lot 6 contains the existing farm house in which Rev. Johnson resides, and two detached garages. The farm house is some 100 years old and the accessory structures have existed on the property for many years. By virtue of

the subdivision of this property, the larger of the two garages is located in the front yard, and thus, a variance is necessary. Inasmuch as the variance is for a structure which has existed on the property for many years and for such other reasons offered at the hearing, the variance should be granted to permit the garage to remain as it presently exists. Several of the lots in the proposed subdivision required variances due to the sloped topography of the land as well as the irregular shape of this parcel. Due to the topography of the land and the location of existing improvements thereon, several of the houses and proposed decks are closer to the property line than that which is permitted by the B.C.Z.R. Furthermore, the existing day care center, which is operated by the Maximum Life Christian Church, is located on proposed Lot 1. Inasmuch as proposed Lot 1 consists of .83 acres and not 1.0 acres as required for such use, a variance is necessary. Testimony revealed that this day care center has operated on the site for many years and has been extremely successful. The Center currently provides day care for 53 children from the surrounding community. Given this number of children, the zoning regulations require that the day care center be located on a lot of no less than 50,060 sq.ft. In its post-development state, the day care center will be located on a lot containing .83 acres. However, none of the area that has traditionally been utilized by the day care center will be affected by the proposed development.

Ms. Judith Berger also offered testimony in opposition to the requested variances. Ms. Berger believes that the Developer is providing too much density for this parcel and that the houses are being situated on the property too close to one another and without sufficient rear yard for

- 6 -

the people who buy these homes to enjoy their property. She is opposed to the granting of any variances for this subdivision.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

227 Md. 343, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 8 -

ORDER RECEIVED FOR FILING  
Date 12/15/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/15/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/15/95  
By [Signature]



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning change to the following property located in the County Office Building, 111 West Chesapeake Avenue, Room 106, in Towson, Maryland 21204, as follows:

Case #96-154-A (Item 155)  
1928 Woodlawn Drive  
NW/4 Woodlawn Drive, 800' N of c/l Dogwood Road  
2nd Election District - 2nd Councilmanic  
Legal Owner: Maximum Life Christian Church

Variance to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear setback for Lot 6, an 18 ft. rear setback for Lot 7, 10, and 11, a 21 ft. rear setback for Lot 12, and a 14 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

and a 14 ft. rear setback for Lot 12, an 18 ft. rear setback for Lot 7, 10, and 11, a 21 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

NOTE: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3391.

Printed with Soybean Ink on Recycled Paper

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 16, 1995

THE JEFFERSONIAN,

A. Henricson  
LEGAL AD. - TOWSON



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 155 Petitioner: Maximum Life Christian Church

Location: 1928 Woodlawn Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Maximum Life Christian Church; Attn: Carroll R. Johnson Jr.

ADDRESS: 1928 Woodlawn Dr. Baltimore, MD 21207

PHONE NUMBER: 410-298-1238

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12



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING  
Project Name: Sweetgreen Hills Estates  
Project Number: 11-307  
Location: NW/4 Woodlawn Drive, NE of Dogwood Road  
Developer: Maximum Life Community Development  
Proposal: 12 single family dwellings.

CASE NUMBER: 96-154-A (Item 155)

1928 Woodlawn Drive  
NW/4 Woodlawn Drive, 800' N of c/l Dogwood Road  
2nd Election District - 2nd Councilmanic  
Legal Owner: Maximum Life Christian Church

Variance to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear; to permit a 4 ft. rear setback for Lot 8, an 18 ft. rear setback for Lots 7, 10, and 11, a 21 ft. rear setback for Lot 12, and a 14 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

HEARING: WEDNESDAY, NOVEMBER 22, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

NOTE: (1) ZONING SIGN & POST MUST BE RETURNED TO: 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
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Arnold Jablon  
Director

001

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POSTED TO BE ADDED

TO: PETITION PUBLISHING COMPANY  
November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Maximum Life Christian Church  
Carroll R. Johnson, Jr.  
1928 Woodlawn Drive  
Baltimore, MD 21207  
298-1238

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-154-A (Item 155)

1928 Woodlawn Drive  
NW/4 Woodlawn Drive, 800' N of c/l Dogwood Road  
2nd Election District - 2nd Councilmanic  
Legal Owner: Maximum Life Christian Church

Variance to permit an accessory structure (garage) in the front yard of Lot 6 in lieu of the rear; to permit a 4 ft. rear setback for Lot 8, an 18 ft. rear setback for Lots 7, 10, and 11, a 21 ft. rear setback for Lot 12, and a 14 ft. rear setback for Lot 13, all in lieu of 22.5 ft.; to permit a lot size of .83 acre in lieu of 1 acre for a group child care center; and to permit a side street setback of 19 feet for Lot 6, a 17 ft. rear setback for Lot 8, and a 26 ft. rear setback for Lot 13 in lieu of 25 ft., 30 ft. and 30 ft., respectively.

HEARING: THURSDAY, DECEMBER 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING  
DEVELOPMENT PLAN HEARING  
Project Name: Sweetgreen Hills Estates  
Project Number: 11-307  
Location: NW/4 Woodlawn Drive, NE of Dogwood Road  
Developer: Maximum Life Community Development  
Proposal: 12 single family dwellings.

CASE NUMBER: 96-154-A (Item 155)

1928 Woodlawn Drive  
NW/4 Woodlawn Drive, 800' N of c/l Dogwood Road  
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HEARING: THURSDAY, DECEMBER 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: Maximum Life Christian Church  
Phyllis Taylor

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BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

DATE: October 11, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman  
Planner II, PDM

SUBJECT: Item #155  
1928 Woodlawn Drive

The sections were left incomplete on the petition forms. I listed the section numbers and variance requests per my review. Those listed may not agree with the hardships. Since I completed that part of the petition form per the request of the applicant, I will not accept any responsibility for possible errors.

Any questions, let me know

MJK:scj

PETITION PROBLEMS

#152 -- MJK

1. Folder says zoning is M.L.-A.S. & B.R.-A.S.; petition wording says B.R.-C.S.-1 & M.L.-I.M. -- Which is correct??
2. No telephone numbers for legal owners.

#155 -- MJK

1. Need title of person signing for legal owner, as well as authorization for this person to sign.

#158 -- MJK

1. No telephone number for legal owner.
2. See planner's memo to hearing officer (no plats, plan is illegible).

#159 -- MJK

1. No telephone number for legal owner.

RE: PETITION FOR VARIANCE  
1928 Woodlawn Drive, NW/4 Woodlawn Drive,  
800' N of c/l Dogwood Road  
2nd Election District, 2nd Councilmanic  
Maximum Life Christian Church  
Petitioners  
\* \* \* \* \*

BEFORE THE  
\* \* \* \* \*  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-154-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 987-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Phyllis Taylor, Executive Director, 6322 Security Boulevard, Baltimore, MD 21207, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

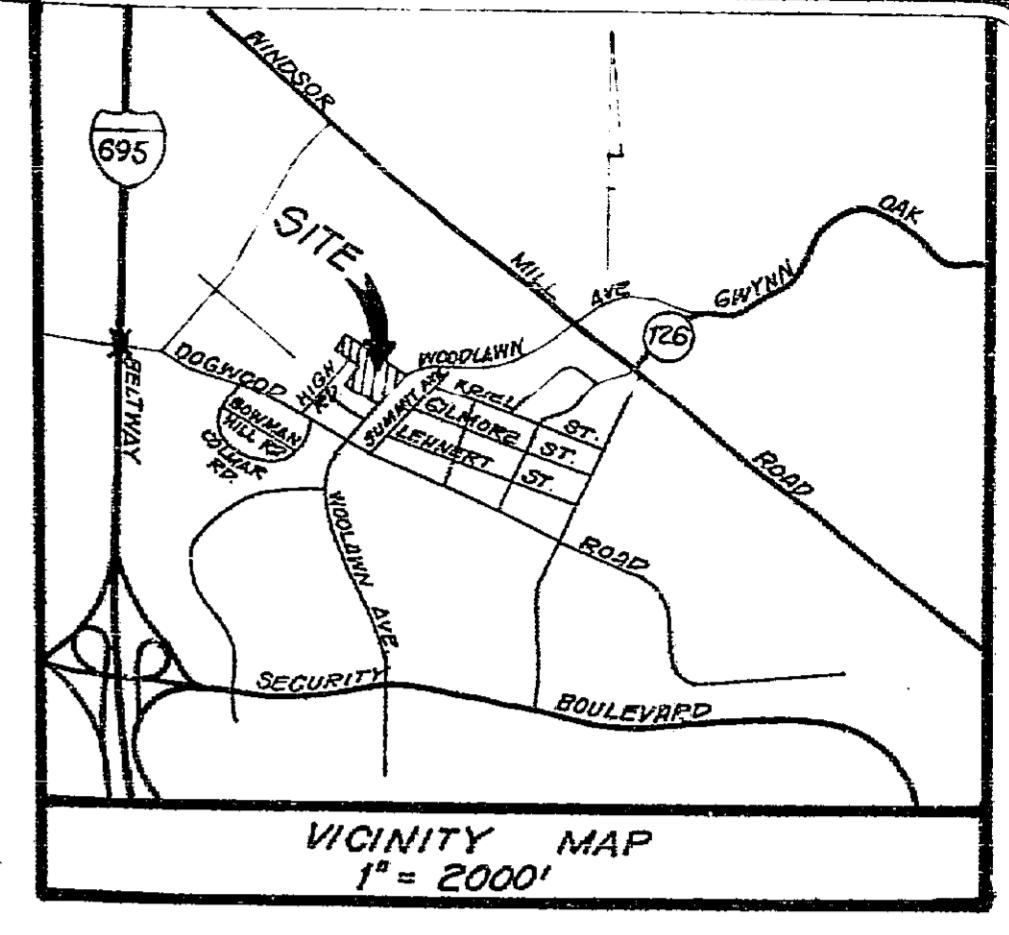
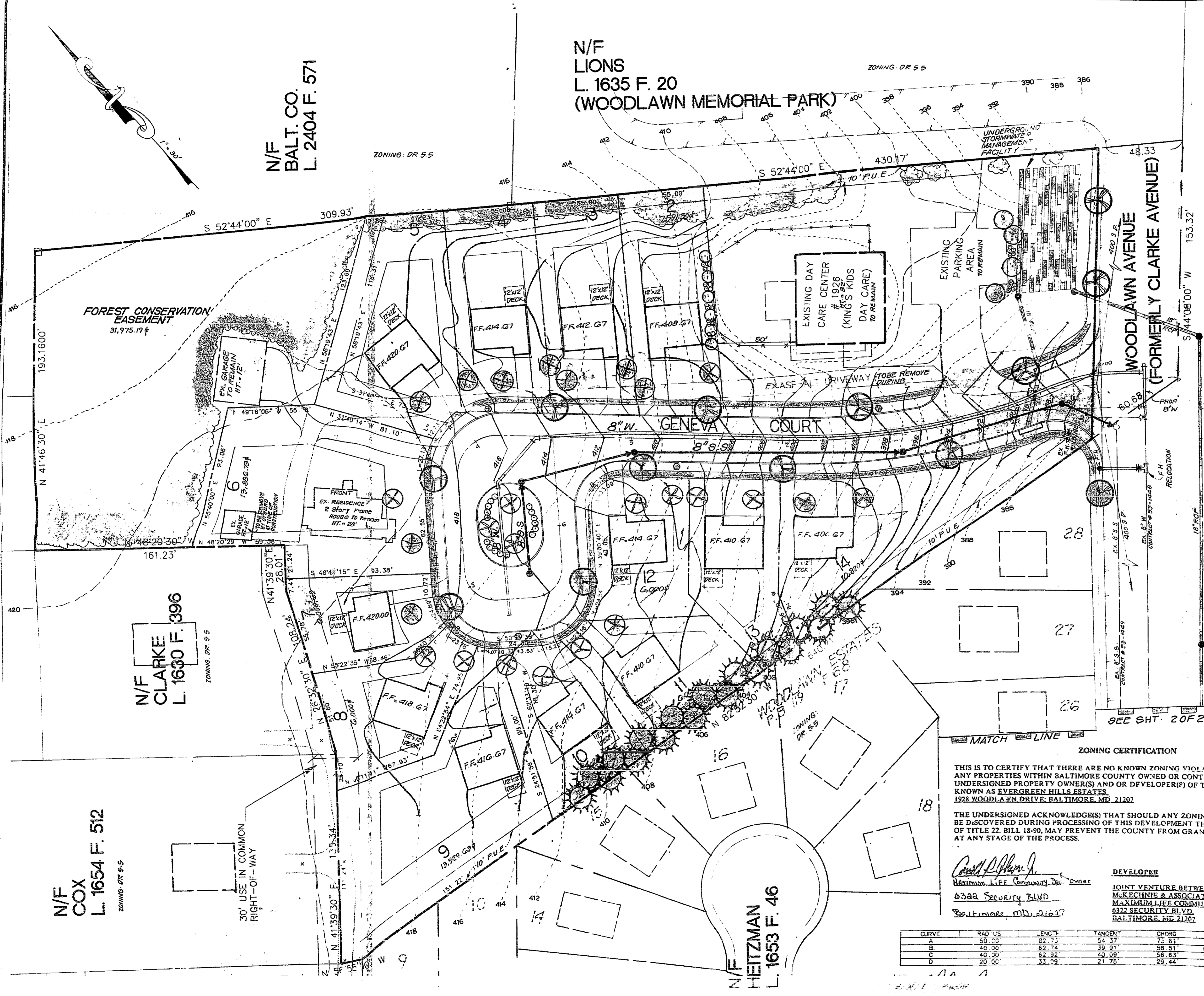
N/F  
COX  
L. 1654 F. 512  
ZONING: DR 5-5

N/F  
CLARKE  
L. 1630 F. 396  
ZONING: DR 5-5

N/F  
BALT. CO.  
L. 2404 F. 571

N/F  
LIONS  
L. 1635 F. 20  
(WOODLAWN MEMORIAL PARK)

N/F  
HEITZMAN  
L. 1653 F. 46



LEGEND

EXISTING	PROPOSED
CL. ELEC. POLE	PROP. LIGHT
CL. MANHOLE	PROP. MANHOLE
CL. WATER LINE	PROP. WATER LINE
CL. HOUSE	PROP. HOUSE
CL. CONTOUR	PROP. CONTOUR
CL. FIRE HYDRANT	PROP. FIRE HYDRANT
CL. TREE	PROP. TREE
CL. GAS, SEWER LINE	PROP. GAS, SEWER
CL. PAVING	CENTER LINE
CL. FENCE	PROPERTY LINE
CL. STORM DRAIN	PROP. STORM DRAIN

PREPARER OF PLAN

NAME: BENTGTON DEBELL & ELKIN, LTD.  
ADDRESS: 12120 - F PLUM ORCHARD DRIVE  
SILVER SPRING, MARYLAND 20994  
DATE: JULY 25, 1995

DEVELOPER/ OWNER

NAME: MAXIMUM LIFE COMMUNITY DEV. INC.  
ADDRESS: BALTIMORE MD. 21207  
ATTN: PHYLLIS TAYLOR  
TEL: (410) 281-1240  
TAX ACCOUNT NUMBER: 21-00-007474-94-6

ZONING CERTIFICATION

THIS IS TO CERTIFY THAT THERE ARE NO KNOWN ZONING VIOLATIONS ON ANY PROPERTIES WITHIN BALTIMORE COUNTY OWNED OR CONTROLLED BY THE UNDERSIGNED PROPERTY OWNER(S) AND OR DEVELOPER(S) OF THE DEVELOPMENT KNOWN AS EVERGREEN HILLS ESTATES 1928 WOODLAWN DRIVE, BALTIMORE, MD. 21207

THE UNDERSIGNED ACKNOWLEDGES THAT SHOULD ANY ZONING VIOLATIONS BE DISCOVERED DURING PROCESSING OF THIS DEVELOPMENT THE PROVISIONS OF TITLE 22, BILL 18-90, MAY PREVENT THE COUNTY FROM GRANTING APPROVALS AT ANY STAGE OF THE PROCESS.

*Kevin John Johnson*  
Maximum Life Community Dev. Owner  
6588 Security Blvd  
Baltimore, MD. 21207

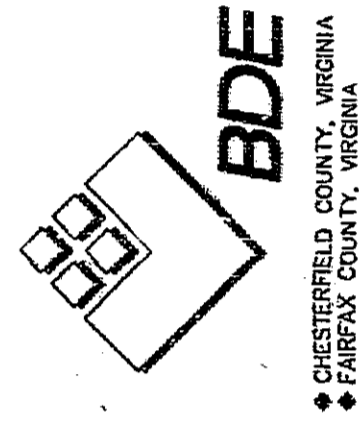
DEVELOPER

JOINT VENTURE BETWEEN:  
MCKEITHEN & ASSOCIATES  
MAXIMUM LIFE COMMUNITY DEV.  
6322 SECURITY BLVD.  
BALTIMORE, MD. 21207

CURVE	RAD. US	LENGT	TANGENT	CHORD	PIVOT
A	50.00	82.73	51.37	73.51	121.24° W
B	40.00	62.74	39.91	58.51	121.24° W
C	40.00	62.92	40.09	58.63	121.31° W
D	20.00	33.09	21.75	29.44	121.34° E



BENTGTON, DeBELL & ELKIN, LTD.  
ENGINEERS • SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS  
17100-F PLUM ORCHARD DRIVE, SILVER SPRING, MARYLAND 20904  
(301) 972-1635

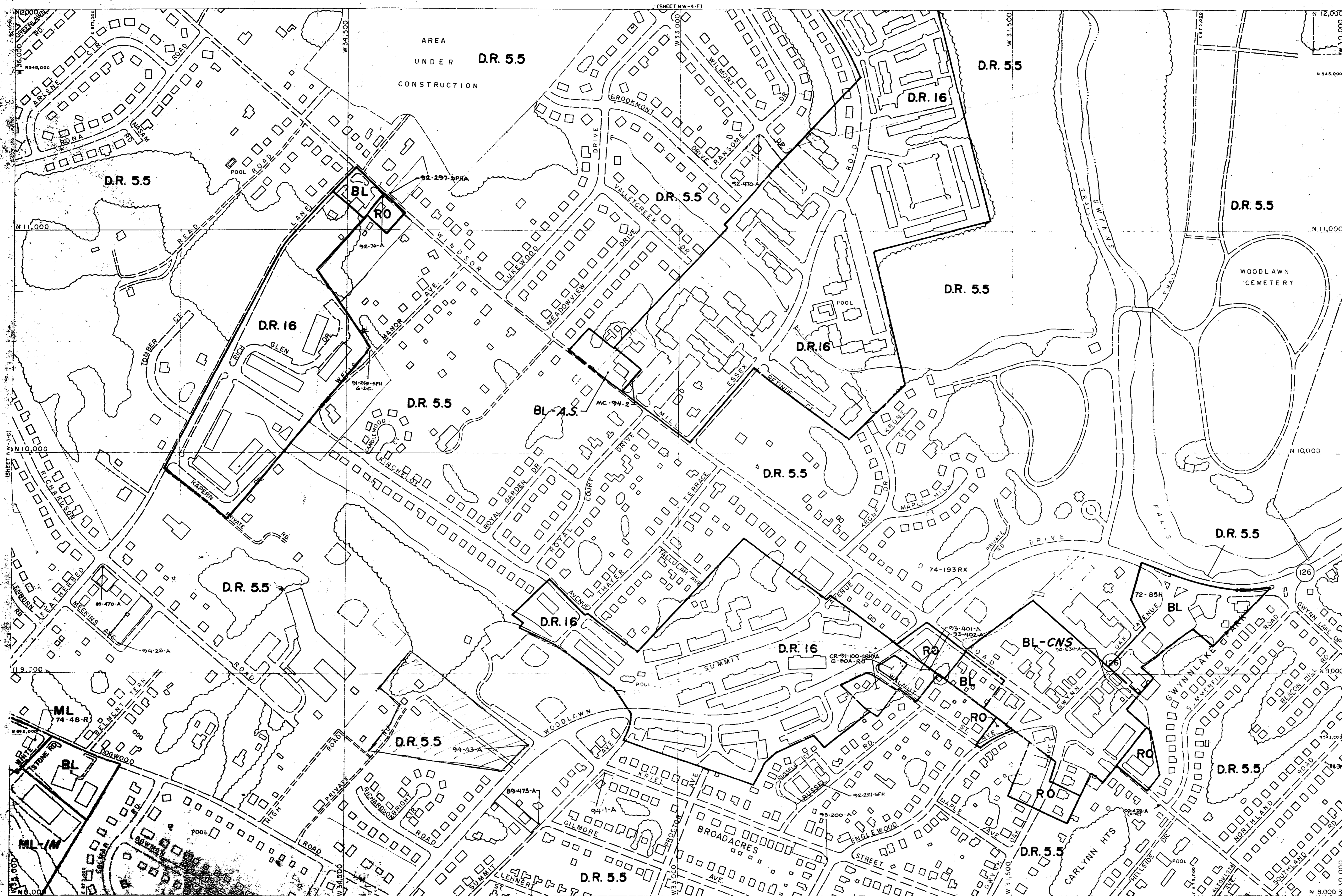


DEVELOPMENT PLAN  
LOTS 1 - 14  
EVERGREEN HILLS ESTATES  
2ND COUNCIL DISTRICT  
BALTIMORE COUNTY, MARYLAND

DATE: 7.95  
SCALE: 1" = 30'

96-154-A





1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 13, 1988  
 [Signature]  
 Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 [Signature]  
 Chairman, County Council

SCALE 1" = 200' ±	LOCATION WOODLAWN	SHEET N.W. 3-F #15
DATE OF PHOTOGRAPHY JANUARY 1986		

96-154-A



22"

17"

11"

8.5"

8.5"

11"

11"

22"

17"

11"

8.5"

8.5"

11"

17"

22"